

## **REMARKS**

Claims 1-11 have been placed under a restriction requirement under MPEP §806.05(c), §808.02, and 35 U.S.C. §121 in the above-identified Office Action.

## **SUMMARY OF THE EXAMINER'S POSITION**

Specifically, the Examiner has identified the following inventions:

- I. Claims 1-8 and 10-11, drawn to a method of measuring the 3D position of an object, classified in class 382, subclass 154.
- II. Claim 9, drawn to a method of generating the specifics of calibration information, classified in class 702, subclass 95.

The Examiner has required restriction to one of the identified claim groups for examination. In the Office Action, the Examiner states that the inventions I and II are related as combination and subcombination. The Examiner further asserts that because the inventions are independent or distinct because they require a different field of search.

Further, at page 3, item 3 of the Office Action, the Examiner has indicated that if election of invention of group I is made, that a further election must be made to one of the following species:

- A. Species A, drawn to a camera unit comprising cameras in sets of at least two, storage means for storing the calibration information, and a marker placed on the object for detection – as depicted by Fig. 10 and defined by claims 4 and 5.
- B. Species B, drawn to a floodlight (laser as disclosed) projecting a collimated beam of light on the object – as depicted by Fig. 14 and defined by claim 6 and 8.

The Examiner has taken the position that the identified species groupings are distinct because, in his view, the inventions as claimed do not overlap in scope.

### **DISCUSSION**

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that all of the pending claims are drawn to related aspects of a single inventive concept, and should not be subject to restriction.

Further, even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions, and would not require separate searches.

Further, the applicant acknowledges that the Examiner has stated that claims 1-3, 7, 10 and 11 are generic.

In addition, and as the Examiner has noted in the Office Action, if a generic claim is allowed at a future date, it will then become necessary, under 37 CFR 1.141, to bring all other claims related to that generic claim back into the application. Applicant therefore suggests that it is sensible to examine all of the claims together in the present application.

Moreover, applicant respectfully points out that MPEP section 803 states that,

**"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."**

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully requests reconsideration and withdrawal of the Restriction Requirement.

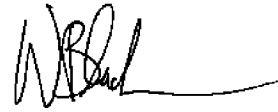
However, notwithstanding the above, the Applicant elects the species identified by the Examiner as Invention I and Species A, encompassing claims 1-5, 7 and 10-11. Therefore, applicant requests examination of claims 1-5, 7 and 10-11 in the present application, if the

restriction requirement is maintained.

If the Examiner has any further questions or comments regarding applicant's response, the applicant encourages him to call William D. Blackman at the number listed below.

Favorable consideration is respectfully requested.

Respectfully submitted,



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